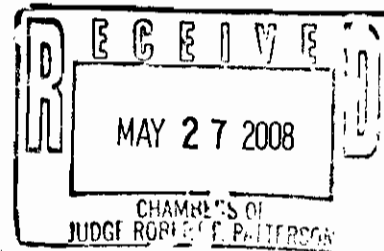




STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL



ANDREW M. CUOMO
Attorney General

May 27, 2008

MEMO ENDORSED

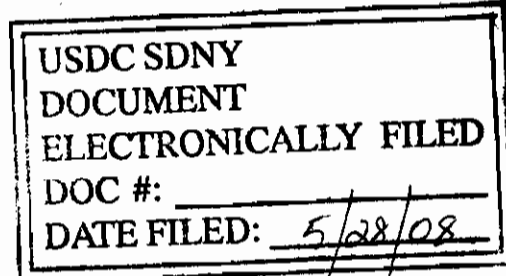
LESLIE G. LEACH
Executive Deputy Attorney General
Division of State Counsel

JUNE DUFFY
Assistant Attorney General in Charge
Litigation Bureau

Hon. Robert P. Patterson, Jr.
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: Frazier v. Glore, 08 CV 4295

Dear Judge Patterson:



I write with respect to the Court's May 16, 2008 Order in this matter, directing the Attorney General's Office to "answer the complaint and identify Officer Glore, at Sing Sing Correctional Facility, named in the complaint." We have determined that an Officer Corey Glore was employed by Sing Sing C.F. at the date and time alleged in the complaint. Officer Glore worked on a 6:00 AM to 2:00 PM shift on the day in question. I understand that Officer Glore still works at Sing Sing on the same shift. The U.S. Marshall generally follows a procedure of requesting an acknowledgment of service by mail at an officer's facility, in this case Sing Sing.

With respect to the Court's direction that the Attorney General's office answer the complaint, this Office has no power under Section 17 of the New York Public Officers Law to answer or otherwise appear in this matter unless and until a defendant is served and requests representation under Section 17. This Office has no authority to accept service on behalf of a Corrections Officer. Accordingly, we will not be in a position to answer until the events required by Section 17 have occurred.

MEMO ENDORSEMENT READS:

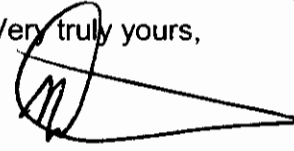
Application granted. The Order is amended to require an answer after service of the complaint.

So ordered.

Robert P. Patterson, Jr., U.S.D.J., 5/27/08

cc: Jamol Frazier
DIN #07A4280

Very truly yours,


Richard W. Brewster
Deputy Bureau Chief
Law Enforcement Litigation
212-416-8650

*Application Granted.
The order is amended to require an answer after service of the complaint.
So ordered
R. Patterson
5/27/08*